



DIRK KEMPTHORNE
GOVERNOR

January 27, 2003

VIA FACSIMILE AND U.S. MAIL

D. Robert Lohn, Esq.
Regional Administrator
Northwest Region
National Marine Fisheries Service
7600 Sand Point Way N.E. Bldg. 1
Seattle, WA 98115

**Re: Response to December 13, 2002 Correspondence:
Building a Recovery Plan in Idaho**

Dear Mr. Lohn:

This responds to your December 13, 2002 correspondence in which you have offered to partner with the State of Idaho in the recovery planning effort being developed by the National Marine Fisheries Service (NMFS).

I. Introduction

I am committed to leading a successful response to the demands of the Endangered Species Act (ESA) upon Idaho and the Pacific Northwest. Regarding ESA-listed salmon and steelhead in Idaho, a significant part of that response is occurring through a collaboration I have established with the Northwest Power Planning Council (Council) and Tribes in developing science-based subbasin plans.

Your letter of December 13, 2002 generally asks how NOAA Fisheries can have a high likelihood of success in securing Recovery Plans for listed salmon and steelhead in Idaho. You also ask a second more specific question regarding access to a policy forum to coordinate and provide guidance to work being undertaken by the Interior Columbia Technical Recovery Team (TRT). I am pleased to offer the following thoughts on those two inquiries.

II. Discussion

A. Recovery Planning in Idaho and the Region

We are well on our way towards a successful Recovery Planning effort in Idaho through the implementation of the Four Governors Recommendations and work that is occurring through the subbasin planning initiative organized by the Council.

My Office of Species Conservation (OSC), the seven Tribes with interests in Idaho, and the Idaho Council Office are represented on and participating in a policy coordination group that meets regularly to implement subbasin planning throughout our State. That group operates pursuant to a Memorandum of Understanding and has successfully identified "lead entities" to guide subbasin planning in the Intermountain, Mountain Snake, and Blue Mountain provinces. The Clearwater River subbasin group has already completed a draft subbasin plan that is undergoing preliminary review by the Council's Independent Scientific Review Panel. We also expect the subbasin planning work to progress expeditiously in the other subbasins.

You began this dialogue in a letter dated May 24, 2002 to Council Chairman Larry Cassidy. In that letter, you largely confirmed that subbasin plans as defined and described by the Council will be acceptable for ESA purposes. Notwithstanding that generally encouraging answer, there were some details and ambiguities in your comments that I believe need additional attention.

Areas that I have identified include, but may not be limited to: (1) the need for ESA technical or scientific targets to be reasonably fixed and not shift during the subbasin planning process; (2) the need to agree upon how the TRT will work with and through our subbasin level and statewide level planning groups that we have in place in Idaho; (3) the need to agree upon the level of detail that subbasin plans can have for management actions; (4) the need to discuss how subbasin plans adopted by the Council can be "rolled up" and used as an evolutionary significant unit (ESU)-scale recovery plan; and (5) the need for additional discussions on the nature of ESA "assurances" that can be provided as an incentive to those state and local stakeholders and governments participating and relying upon subbasin planning.

I am working closely with the Northwest Power and Conservation Council in this subbasin planning process. I will continue to look to that body, in cooperation with the Idaho Office of Species Conservation and the previously noted Tribes, as well as the Idaho Council Members to format the range of discussions over the points I have outlined.

B. Policy Coordination

On your second specific question and in response to item (2) above, concerning an organized policy forum that can review products, interact with the TRT, and provide policy guidance and input, I provide the following direction.

I am not interested in forming yet another new group of diverse interests to engage in review, comment, and coordination. Such an effort would be redundant and potentially cause extensive confusion among the various stakeholders, partners, and subordinate elements of local governments and detract from our subbasin planning efforts.

Idaho will treat the TRT effort as any other federal agency initiative and use existing structure, processes, and procedures to provide coordination and comment. I have directed my Office of Species Conservation to be our lead agency on this matter and to coordinate state agency comments and interact with other interests who may have valuable input to TRT work product.

Further, OSC will coordinate with both the subbasin and statewide planning groups (Level 1 & Level 2) to insure that the appropriate parties are aware of the opportunity to comment on a specific TRT product. To the degree possible, OSC will attempt to facilitate as broad a network of commenters as feasible to provide feedback to the TRT. The OSC will not, however, strive to provide a consensus platform for interests outside of the organizational structure noted above.

II. Conclusion

I encourage you and your staff to move ahead quickly in working with the Council and the Idaho office of Species Conservation to resolve the relevant policy issues addressed above.

Thank you for the providing me the opportunity to express my support for ESA recovery efforts in Idaho. I look forward to discussing our mutual progress in these matters in the not too distant future.

Sincerely,



DIRK KEMPTHORNE
Governor

DK: lmb

cc: The Honorable Samuel Penny
Chairman, Nez Perce Tribe
Mr. Jim Yost
Governor's Policy Advisor
Idaho Northwest Power Planning Council Members
Mr. James Caswell
Administrator, Office of Species Conservation